

**ASSEMBLY BILL**

**No. 638**

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**Introduced by Assembly Member Frazier**

February 24, 2015

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An act to amend Section 658.3 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 638, as introduced, Frazier. Vessels: personal flotation devices.

Existing law regulates the safe operation of various types of vessels navigating the state's ports and harbors. Existing law prohibits a person from operating a motorboat, sailboat, or vessel that is 26 feet or less in length unless every person on board who is under 13 years of age or less is wearing a specified type of wearable personal flotation device while that motorboat, sailboat, or vessel is underway, as defined, except as provided.

This bill would make nonsubstantive changes in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 658.3 of the Harbors and Navigation
- 2 Code is amended to read:
- 3 658.3. (a) A person shall not operate a motorboat, sailboat, or
- 4 vessel that is 26 feet or less in length, unless every person *who is*
- 5 on board *and* who is under 13 years of age is wearing a United
- 6 States Coast Guard-approved wearable personal flotation device

1 *that is* used in accordance with approval labels and manufacturer's  
2 instructions while that motorboat, sailboat, or vessel is underway.

3 (b) Subdivision (a) does not apply to a person operating a  
4 sailboat on which a person who is under 13 years of age is  
5 restrained by a harness tethered to the vessel, or to a person  
6 operating a vessel on which a person who is under 13 years of age  
7 is in an enclosed cabin.

8 (c) A person on board a personal watercraft or a person being  
9 towed behind a vessel on water skis, an aquaplane, or similar  
10 device, except for an underwater maneuvering device intended for  
11 use by a submerged swimmer, shall wear a United States Coast  
12 Guard-approved wearable personal flotation device *that is* used in  
13 accordance with approval labels and manufacturer's instructions.  
14 An underwater maneuvering device is a towed or self-powered  
15 apparatus that a person can pilot through diving, turning, and  
16 surfacing maneuvers that is designed for underwater use.

17 (1) This subdivision does not apply to a person aboard a personal  
18 watercraft or a person being towed behind a vessel on water skis,  
19 if that person is a performer engaged in a professional exhibition,  
20 or preparing to participate or participating with authorization  
21 pursuant to a United States Coast Guard permit or other permit  
22 granted pursuant to subdivision (a) of Section 268 in an official  
23 regatta, marine parade, tournament, or exhibition.

24 (2) In lieu of wearing a United States Coast Guard-approved  
25 wearable personal flotation device as described in this subdivision,  
26 a person engaged in slalom skiing on a marked course or a person  
27 engaged in barefoot, jump, or trick waterskiing may elect to wear  
28 a wetsuit designed for the activity and labeled by the manufacturer  
29 as a water ski wetsuit. A United States Coast Guard-approved  
30 personal flotation device as described in this subdivision shall be  
31 carried in the tow vessel for each skier electing to wear a water  
32 ski wetsuit pursuant to this paragraph.

33 (d) The requirements set forth in subdivisions (a) and (c) do not  
34 apply to a person 13 years of age or older operating a motorboat,  
35 sailboat, or vessel if the vessel is engaged in an emergency rescue  
36 situation.

37 (e) The following definitions govern the construction of this  
38 section:

39 (1) "Enclosed cabin" means a space on board a vessel that is  
40 surrounded by bulkheads and covered by a roof.

1     (2) “Operate a motorboat, sailboat, or vessel” means to be in  
2 control or in charge of a motorboat, sailboat, or vessel while it is  
3 underway.

4     (3) “Underway” means all times except when the motorboat,  
5 sailboat, or vessel is anchored, moored, or aground.

6     (f) A violation of this section is an infraction punishable as  
7 provided in subdivision (a) of Section 668.

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